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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,658	03/21/2001	Karl L. Miller	PLI-898	3659
24984	7590	04/26/2004	EXAMINER	
ALBERT O COTA 5460 WHITE OAK AVE SUITE A-331 ENCINO, CA 91316			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/813,658	Applicant(s) MILLER ET AL.	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-14 have been examined.

#### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1-14, drawn to network architectures for information exchange, classified in class 705, subclass 14.
  - II. Claim 15, 16, drawn to website navigation for contest participation and prize awarding, classified in class 705, subclass 14.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are network architectures for information exchange and website navigation for contest participation and prize awarding.

During a telephone conversation with Albert Cota, Agent # 29291 on 4/12/04 a provisional election was made without traverse to prosecute the invention of Group I, claim 1-14. Affirmation of this election must be made by applicant in replying to this Office action.

Claim 15, 16 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1, 3-8 are rejected under 35 U.S.C. 102(e) as being unpatentable over Eggleston (6,061,660).

Claim 1: Eggleston discloses an Internet-based promotional business model (PBM) comprising:

- a) an Internet data center having means for linking worldwide computers with various data and promotional messages,
- b) a web server having an input and an output, wherein the input is connected, via a first switch to said Internet data center, wherein said web server allows private or public users of the PBM to view web pages corresponding to a web site selected by the user,
- c) a database connected, via a second switch, to said web server, wherein said

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database stores a collection of data used in operating said PBM and

d) a PBM software program written to control the operation of said PBM (Fig. 15; Fig. 1; Fig. 2; Fig. 6; col 3, lines 50-55; col 6, lines 1-10; col 1, line 65-col 2, line 42).

Claim 3: Eggleston discloses the PBM as specified in claim 1 wherein said first and second switches provide the means for respectively routing and controlling the operation of said Internet data center, said web server and said database (col 10, lines 26-32; col 40, lines 6-16).

Claim 4: Eggleston discloses an internet-based promotional business model (PBM) comprising:

- a) an internet data center having means for linking worldwide computers with various data and promotional messages,
- b) a first router having an input and an output, wherein the input is connected to said internet data center, wherein said first router provides users with controlled access to incoming data packets from said internet data center,
- c) a first firewall having an input and an output, wherein the input is connected, via a first switch to the output of said first router,
- d) a first web server having an input and an output, wherein said first web server allows private or public users of said PBM to view web pages corresponding to a web site selected by the user,
- e) a second web server connected in parallel with said first web server and having an input and an output, wherein said second web server allows wherein the inputs of said first and second web servers are connected, via a second switch to the output of said first firewall, wherein said firewall is

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designed to relay only data packets which are intended and authorized to reach said first and second web servers,

f) a first database having an input and an output, wherein the input is connected, via a third switch, to the outputs of said first and second web servers, wherein said first database stores a collection of data used in operating said PBM and

g) a PBM software program written to control the operation of said PBM (col 43, lines 7-13; col 37, line 65-col 38, line 5; col 28, lines 24-28; Fig. 15; col 10, lines 10-15; Fig. 1; Fig. 2; Fig. 6; col 3, lines 50-55; col 6, lines 1-10; col 1, line 65-col 2, line 42).

paralle

Claim 5: Eggleston discloses the PBM as specified in claim 4 further comprising:

a) a second database connected in parallel with said first database and having an input and an output, wherein the inputs of said first and second databases are connected, via said third switch, to the outputs of said first and second web servers, and

b) a database storage connected to said first and second databases (Fig. 15; col 40, lines 6-16).

Claim 6: Eggleston discloses the PBM as specified in claim 5 further comprising a web data storage

connected via said third switch to said first and second web servers (Fig. 15; col 40, lines 6-16).

Claim 7: Eggleston discloses the PBM as specified in claim 6 further comprising a remote corporate site

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having a second firewall connected to second router, wherein said second router is connected via a telephone line or an RF data link to a third router connected said third switch (Fig. 15; col 40, lines 6-16; col 10, lines 10-15).

Claim 8: Eggleston discloses the PBM as specified in claim 4 wherein said software program is comprised of the following passive and interactive modules:

- a) a real-time marketing offer based on a survey response, wherein the offer is sent as an e-mail to the user,
- b) a real-time marketing offer based on a survey response, wherein the offer is sent to the user via a first pop-up,
- c) a real-time marketing offer based on a survey response, where the offer is sent to the user via a flash/HTML,
- d) a real-time marketing offer based on a survey response, wherein the offer is sent to the user via a banner,
- e) a first survey procedure utilizing a sequential, drill-down group survey .
- f) a second survey procedure utilizing a sequential, general non-group survey,
- and
- g) a third survey procedure utilizing a non-sequential drill-down group survey (col 2, lines 10-13; col 5, lines 60-65; col 10, lines 12-22; col 12, lines 34-38; col 13, lines 10-15; col 13, lines 45-55; col 19, lines 5-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (6,061,660) in view of Weaver (6,574,669).

Claim 2: Eggleston discloses the PBM as specified in claim 1.

Eggleston further discloses a variety of network configurations (col 9, line 65-col 10, line 42).

Eggleston does not explicitly disclose that said internet data center is further comprised of a redundant, fully-meshed gigabit Ethernet network.

However, Weaver discloses that said internet data center is further comprised of a redundant, fully-meshed gigabit Ethernet network (col 1, lines 15-20; col 3, lines 17-22) and a variety of network backbones (col 3, lines 17-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Weaver's network architecture to Eggleston's network that can vary in configuration. One would have been motivated to do this in order to provide a flexible network architecture that can meet varied demands.



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5. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (6,061,660) in view of Weaver (6,574,669) in further view of Short (6,279,032).

Claim 9: Eggleston discloses an Internet-based promotional business model (PBM) comprising:

- a) a subnet A comprising a internet data center having means for linking individual computers with various data and promotional messages,
- b) a subnet B comprising a first switch and a redundant second switch which are connected respectively to a first firewall and a redundant second firewall wherein said firewalls are connected respectively to a first cache server and a second cache server, the two cache servers are connected respectively through a second switch and a redundant third switch to a first router and a redundant second router from where said routers are connected to said subnet A.
- c) a subnet C comprising connected to subnet B via said first and second switches, and respectively to a web server farm and a mail server farm via a fourth switch and a fifth switch, wherein said fourth and fifth switches can connect said web mail server inline,
- d) a subnet D comprising a sixth switch and a redundant seventh switch, wherein one side of said switches connects said subnet D to subnet C and the other side of said sixth and seventh switches are connected to a web/Email mass data storage, wherein either of said two switches can be used to control the operation of said web email mass data storage,
- e) a subnet E comprising a database farm controlled by either of said

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sixth switch or said seventh switch and

f) a software program written to control the operation of said PBM.

Eggleston does not explicitly disclose the utilization of a redundant network, load balancer, or cluster database.

However, Weaver discloses that said internet data center is further comprised of a redundant network (col 1, lines 15-20; col 3, lines 17-22). Weaver further discloses a load balancer (col 4, lines 25-30).

Short further discloses a load balancer (col 1, lines 31-35) the utilization of switches (col 2, lines 34-38) and the utilization of cluster databases (col 5, lines 23-26)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Weaver's or Short's more advanced network architectures to Eggleston's network that can vary in configuration. One would have been motivated to do this in order to provide a flexible network architecture that can meet varied demands.

Claim 10, 13: Eggleston, Weaver, and Short disclose the PBM as specified in claim 9, and Eggleston further discloses a mass data storage connected to said clustered database farm (Fig. 15).

Claim 11: Eggleston, Weaver, and Short disclose the PBM as specified in claim 9.

Eggleston further discloses a variety of network configurations (col 9, line 65-col 10, line 42).

Eggleston does not explicitly disclose that said internet data center is further comprised of a redundant, fully-meshed gigabit Ethernet network.

However, Weaver discloses that said internet data center is further

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comprised of a redundant, fully-meshed gigabit Ethernet network (col 1, lines 15-20; col 3, lines 17-22) and a variety of network backbones (col 3, lines 17-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Weaver's network architecture to Eggleston's network that can vary in configurations. One would have been motivated to do this in order to provide a flexible network architecture that can meet varied demands.

Claim 12: Eggleston, Weaver, and Short disclose the PBM as specified in claim 9, and Eggleston further discloses that said subnets A-E function in combination to separate the various elements of the architecture into publicly accessible and privately accessible elements (Fig. 15).

Claim 14: Eggleston, Weaver, and Short disclose the PBM as specified in claim 9, and Eggleston further discloses a remote corporate site having a firewall connected to a second router, wherein the second router is connected via a telephone line or an RF data link to a third router connected to said subnet D (Fig. 15; col 40, lines 6-16; col 10, lines 10-15).

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Dedrick (5,724,521) discloses a variety of network configurations for delivering promotional information to a user;
- b. Gerace (5,848,396 ) discloses a variety of network configurations for delivering promotional information to a user.

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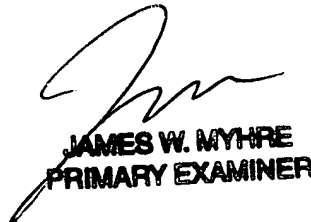
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/12/04



**JAMES W. MYHRE**  
**PRIMARY EXAMINER**